



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Andrew Kunasek, Chairman, District 3
Fulton Brock, District 1
Don Stapley, District 2
Max Wilson, District 4
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, December 17, 2008
9:00 AM**

FLOOD CONTROL DISTRICT AGENDA

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, December 17, 2008, in the Supervisors Auditorium with the following members present: Andrew Kunasek, Chairman, District 3; Fulton Brock, District 1; Don Stapley, District 2; Max Wilson, District 4; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Acting County Manager; and Victoria Mangiapane, Deputy County Attorney.

F-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-09-220-7-00)

Motion to approve by: Director Wilson, Seconded by: Director Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

F-2. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meetings held July 23, 2008; August 20, 2008; and September 3, 2008. (C-06-09-210-7-00)

Motion to approve by: Director Wilson, Seconded by: Director Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

FLOOD CONTROL DISTRICT ADDENDUM

FA-1. AMENDMENT NO. 1 TO TRANSWESTERN V. FLOOD CONTROL DISTRICT OF MARICOPA COUNTY SETTLEMENT

Approve authorization to amend the settlement of Transwestern Pipeline Company, LLC v. Flood Control District of Maricopa County (District), CV-07-2332-PHX-JWS for additional compensation of \$100,480.00 to be paid to the District.

On April 9, 2008 the Board of Directors for the District approved settlement (C-69-08-054-M-00) in the above case, which included CV-07-2332-PHX-JWS, CV-07-2334-PHX-JWS, CV-07-2336-PHX-JWS, CV-07-2339-PHX-JWS, and CV-07-2348-PHX-JWS for the amount of \$3,250,000.00. Subsequently, Transwestern Pipeline Company, LLC (Transwestern) approached the District indicating additional land was needed to complete its gas pipeline project (6.28 acres of workspace easement). Utilizing the same valuation terms as the original settlement, the District and Transwestern agreed to additional compensation in the amount of \$100,480.00 subject to Board of Directors approval. This additional compensation brings the total settlement amount for the cases filed against the District to \$3,350,480.

This proposed settlement on all the property being acquired by Transwestern will be effectuated by a stipulated judgment which will be filed with the Clerk of the Board when it is entered by the Court. This item was discussed in Executive Session on December 15, 2008. Supervisorial District 4 (C-69-08-054-M-01)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

FA-2. A TUMBLING T RANCHES V. FLOOD CONTROL DISTRICT

Authorize counsel for the Flood Control District to seek review in the Arizona Supreme Court of the decision of the Court of Appeals, as discussed in Executive Session on December 15, 2008. (C-19-09-040-M-00)

Motion to approve by: Director Wilcox, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board